

OFFICE OF THE ATTORNEY GENERAL



92-00333

JIMMY EVANS
ATTORNEY GENERAL
STATE OF ALABAMA

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 242-7300

July 10, 1992

Honorable Brice R. Paul
Sheriff, Coffee County
Courthouse
230 Court Street
Elba, AL 36323

Sheriffs - Deputies -
Compensation - Employees,
Employers, Employment

County commission determines
number of deputies within
requirements of general law and
establishes range of salaries
to be paid such officers.
Sheriff has authority to
determine within range
established by commission the
rate of pay of each officer.

Dear Sheriff Paul:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

Does the county commission have the
authority to refuse to allow the sheriff to
provide salary increases to certain of his
employees from surpluses in the salary
allocation in his budget?

FACTS, LAW AND ANALYSIS

In your letter requesting this opinion you set forth that
the county commission allocated a specific dollar amount for

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salaries in your department and jail budgets for the current fiscal year. It now appears that there will be a surplus in the salary allocation, and you would like to apply that surplus to salary increases for certain employees.

This office has previously held that a sheriff has the common-law power to appoint, suspend, and fire his deputies. The county governing body has the authority to determine the number and salaries of deputies, as well as to appropriate money for the overall budget of the sheriff's office. Section 11-3-13, Code of Alabama 1975; opinion to the Honorable Robert D. McWhorter, Jr., dated March 12, 1990, AG No. 90-00178. In this opinion we also held that the county commission determines the number of deputies and jailers to be appointed, within the requirements of the general law, and establishes the range of salaries to be paid such officers. The sheriff is responsible for choosing who shall serve as his deputies and, further, is responsible for the acts of these officers. In the opinion of this office the sheriff has the authority to determine, within the range established by the county commission, the rate of pay of each officer.


CONCLUSION

The county commission has the authority to determine the number of deputies to be employed by the sheriff, within the requirements of general law, and to establish the range of salaries to be paid such deputies. The sheriff is responsible for those officers and, as the appointing authority, has the authority to determine, within the range established by the county commission, the rate of pay of each officer.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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